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Nov. 26

CONCORD, N.H.

Mr. William H. Messeck, Jr.,
State Forester
Forestry and Recreation Commission
State House Annex

Dear Sir:

In your letter of October 31, 1951 you have inquired whether a person, being a member or employee of a Tree Service Company — but not licensed under the provisions of R. L. c. 237 and not intending to do the actual work himself — may solicit business for the company. This question is answered in the negative.

By R. L. c. 237, s. 1. "no person, firm or corporation shall . . . solicit . . . to improve the condition of . . . trees . . . without having secured a certificate as specified in section 2." Thus by the express terms of the statute, an individual who is unlicensed may not solicit. The fact that he may be employed by a licensed firm or corporation is immaterial. And such interpretation is quite logical when it is considered that the obvious intent of the law is to protect the public from inducements offered by unqualified persons.

Very truly yours,

Warren E. Waters
Assistant Attorney General

WEW:RM